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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,851

03/12/2004

Nima A. Behkami

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EXAMINER

VY, HUNG T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,851

Applicant(s)

BEHKAMI ET AL.

Examiner

Hung T. Vy

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Summary of claims

1. Claims 1-20 are pending.

Claims 1-20 are rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 10 and 15 are rejected under 35 U. S. C. § 102(e) as being anticipated by Ito et al. (U.S. patent No. 6,985,831).

Regarding to the claims 1, 10 and 15, Ito et al. discloses a presentation layer including: a data collection system, comprising: a data input form (710) adapted to receive data, a business logic layer including: a message queue (2,720) for receiving the data from the data input form (2, 710), and temporarily managing the data until the data collection system can process the data, a temporary data storage (730,731) for temporarily storing the data received by the message queue (720) while waiting for the data collection system to process the data (see column 23, line 60-68), a transaction manager (data processing layer)(714) for receiving the data from the message queue (720) and processing the data, a data logger (714, 731), for logging the processing transactions of the transaction manager, and it is inherent that a data loader for

receiving the data from the transaction manager (714) because Ito et al. discloses the database (558) for storing the database and preparing the data for storage, and a data service layer including, a data storage device (558), for receiving the data from the data loader (see fig. 14).

Regarding to the claim 2, Ito et al. discloses the input form (2, 710) resides on a presentation layer of the data collection system (see fig. 14).

Regarding to the claim 3, Ito et al. discloses the message queue (720), temporary data storage (730,731), transaction manager (714), data logger (714, 731), and data loader all reside on a business logic layer of the data collection system (see fig. 14).

Regarding to the claim 4, Ito et al. discloses the data storage device (558) resides on a data service layer of the data collection system (see fig. 14).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 11 and 15-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in view in fig. 4 of Ito et al.

Regarding to claims 5-6, 11 and 15, Ito et al. discloses all limitations of invention recited in claim 1 except for statistically manipulated historical trends of the data, a

statistical process control engineer for receiving the data from at one of the transaction manager. However, in fig. 4, Ito et al. discloses statistically manipulated historical trends of the data (154,162), a statistical process control engineer (154) for receiving the data from at one of the transaction manager (see fig. 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a statistical process control engine in fig. 4 in order to provide a statistics to a user's database for state purpose has been well known in the art as evidenced by the teaching of Ito's embodiment in fig. 4.

Regarding to the claim 16, Ito et al. discloses the input form (2, 710) resides on a presentation layer of the data collection system (see fig. 14).

Regarding to the claim 17, Ito et al. discloses the message queue (720), temporary data storage (730,731), transaction manager (714), data logger (714, 731), and data loader all reside on a business logic layer of the data collection system (see fig. 14).

Regarding to the claim 18, Ito et al. discloses the data storage device (558) resides on a data service layer of the data collection system (see fig. 14).

5. Claims 7 and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in view of Ito et al. Admitted prior Art.

Regarding to claims 7, and 12, Ito et al. discloses all limitations of invention recited in claim 1 except for state simulation engine. However, in back ground invention, Ito et al. discloses a state simulation engine (see column 1, line 65-68). It would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to modify Ito's embodiment in fig. 14 by adding a state simulation engine in order to provide a the accuracy data to a user's database for state purpose has been well known in the art as evidenced by the teaching of Ito's back ground of the invention (see column 1, line 65-68).

6. Claims 8-9, and 13-14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in fig. 14 in view in fig. 5 of Ito et al.

Regarding to claims 8-9 and 13-14, Ito et al. discloses all limitations of invention recited in claim 1 except for the data input form is implemented as web object and web server. However, in fig. 5, Ito et al. discloses web object (see column 4, line 15) and web server (170) (see fig. 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a web object and a web server in order to access the data over the internet from user computer for state purpose has been well known in the art as evidenced by the teaching of Ito's back ground of the invention (see column 4, line 12-16).

7. Claims 19-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in fig. 14 in view in fig. 5 of Ito et al.

Regarding to claims 19-20, Ito et al. discloses all limitations of invention recited in claim 15 except for the data input form is implemented as web object and web server. However, in fig. 5, Ito et al. discloses web object (see column 4, line 15) and web server (170) (see fig. 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a

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web object and a web server in order to access the data over the internet from user computer for state purpose has been well known in the art as evidenced by the teaching of Ito's back ground of the invention (see column 4, line 12-16).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is (571) 2721954. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571)2721934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung T. Vy
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September 1, 2006.



WILSON LEE
PRIMARY EXAMINER